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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 MATT MURRAY,

9 Plaintiff,

10 vs.

11 DATAGUARD USA, LLC AND

12 STEVEN LEE HASTERT,

13 Defendants.
14

Case No.: 14-cv-02829-WHO

STIPULATION AND MOTION TO
VACATE AND RESCHEDULE CASE
MANAGEMENT CONFERENCE AND
RELATED DATES

15 Plaintiff, Matt Murray ("Mr. Murray"), and Defendants, DataGuard USA, LLC
16 ("DataGuard") and Steven Lee Hastert ("Mr. Hastert") (collectively "Defendants"), through their
17 undersigned attorneys hereby stipulate and agree as follows:

18 1. This Stipulation and Motion is entered into in accordance with Local
19 Rules 6-1(b) and 6-2.
20

21 2. Defendants were served with the Summons and initial Complaint for
22 Infringement, Unfair Business Practices, Intentional Interference with Prospective Economic
23 Advantages, and False Advertising (the "Complaint") in the form filed in the above-captioned
24 action on June 18, 2014 [Doc. No. 1]. Since that time, counsel for the parties have discussed
25 factual investigation of the claims, defenses and possible resolution of Mr. Murray's claims
26 against the Defendants.
27

28 STIPULATION AND MOTION TO VACATE AND RESCHEDULE CASE MANAGEMENT CONFERENCE
AND RELATED DATES - 1

1 3. To permit sufficient time to complete the investigation, the parties
2 previously stipulated to extend the time within which Defendants had to respond to the
3 Complaint.

4 4. Mr. Murray's investigation has resulted in his election to proceed under
5 alternative claims which are contained in the First Amended Complaint for Infringement, Unfair
6 Business Practices, Unfair Competition and False Advertising (the "Amended Complaint"),
7 which was filed with the Court on August 29, 2014 [Doc. No. 18]. Defendants' counsel first
8 received a copy of the Amended Complaint by email today.

9 5. The July 31, 2014 Case Management Conference Order [Doc. No. 16],
10 scheduled a Case Management Conference to be held in this matter on September 16, 2014 at
11 2:00 P.M. and set other associated deadlines.

12 6. The undersigned attorney for Defendants is licensed to practice only
13 before the state and federal courts in Colorado. Defendants require additional time to prepare for
14 the Case Management Conference in order to investigate the claims in the Amended Complaint;
15 retain local counsel and, if appropriate request admission *pro hac vice*; and to prepare in a
16 manner sufficient to meaningfully participate in the Case Management Conference. The parties
17 require additional time to explore settlement, for counsel to meet and confer about the claims and
18 defenses and to prepare a joint case management statement. An additional twenty-one (21) days,
19 through and including October 7, 2014, should permit sufficient time for the parties to attend to
20 these matters.

21 7. Accordingly, the parties hereby stipulate that the Case Management
22 Conference currently scheduled for September 16, 2014 should be vacated and rescheduled for
23 October 7, 2014 or such other time thereafter as is convenient to the Court. Counsel for Mr.

24 STIPULATION AND MOTION TO VACATE AND RESCHEDULE CASE MANAGEMENT CONFERENCE
25 AND RELATED DATES - 2

1 Murray requests that this Court approve the parties' stipulation, vacate the currently scheduled
2 Case Management Conference and associated dates, and reschedule the same on or after October
3 7, 2014 to permit time sufficient for the parties to carry out the matters set forth in this
4 Stipulation and Motion.
5

6 WHEREFORE, Mr. Murray respectfully requests that this Court enter an order (a)
7 approving the parties' stipulation; (b) vacating the currently scheduled Case Management
8 Conference and related dates; (c) rescheduling the Case Management Conference on October 7,
9 2014 or at a later time convenient on the Court's calendar; and (d) for such further relief as this
10 Court deems appropriate.
11

12 Dated: September 3, 2014.

13 AS TO THE STIPULATION AND MOTION:

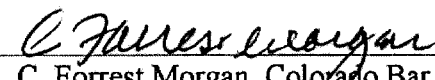
14 KING & KELLEHER, LLP:

15
16 By: 
17 Edward Vincent King, Jr. (SBN 085726)

18 ATTORNEYS FOR PLAINTIFF,
19 MATT MURRAY

20 AS TO THE STIPULATION ON BEHALF OF DEFENDANTS:

21
22 MORGAN & ASSOCIATES, LLC:

23
24 By: 
25 C. Forrest Morgan, Colorado Bar No. 17,110
26 1873 S. Bellaire Street, Suite 1200
27 Denver, Colorado 80222
28 (303) 743-0003

ATTORNEYS FOR DEFENDANTS

STIPULATION AND MOTION TO VACATE AND RESCHEDULE CASE MANAGEMENT CONFERENCE
AND RELATED DATES - 3

1
2 PURSUANT TO STIPULATION, IT IS SO ORDERED:

3 Case Management Conference rescheduled for October 7, 2014.
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5 Date: September 5, 2014
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7 BY THE COURT:

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9 By: W. H. De
10

11 Judge, United States District Court

12 For the Northern District of California
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AND RELATED DATES - 4